



JFW

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 13, 2006

Signature:   
(Michael H. Teschner)

Docket No.: LOREAL 3.0-045  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Sylvie Genard

Application No.: 10/764,158

Group Art Unit: 1654

Filed: January 23, 2004

Examiner: S. S. Shirali

For METHOD FOR SYNTHESIZING KPV  
: TRIPEPTIDE DIAMIDE DERIVATES

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed September 25, 2006, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-19, 27-28, 32-38 and 45, drawn to a method of making a common amino acid form of KPV tripeptide diamine derivative or a composition thereof; classified in class 514, subclass 2+.

II. Claims 1-19, 27-28, 32-38, and 45, drawn to a method of making a stereoisomer form of KPV tripeptide diamine derivative or a composition thereof; classified in class 514, subclass 2+.

III. Claims 20-21, 23-25 and 39-44, drawn to a compound comprising the common amino acid form of KPV tripeptide diamine derivative; classified in class 530, subclass 333.

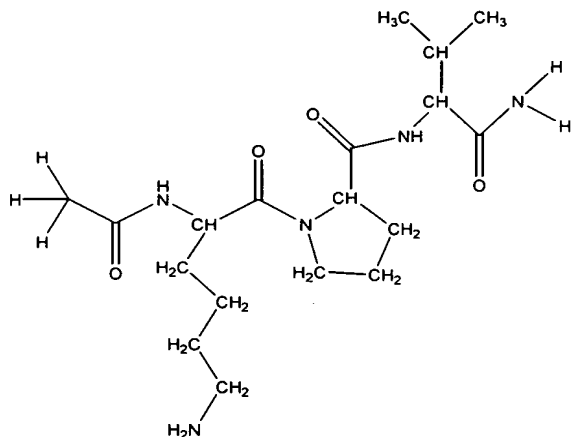
IV. Claims 20-25 and 39-44, drawn to a compound comprising a stereoisomer form of KPV tripeptide diamine derivative; classified in class 530, subclass 333.

V. Claims 29-31, drawn to a method of treating dry skin using the common amino acid form of KPV tripeptide diamine derivative; classified in class 424, subclass 1.69+.

VI. Claims 29-31, drawn to a method of treating dry skin using a stereoisomer form of KPV tripeptide diamine derivative; classified in class 424, subclass 1.69+.

In a phone conference with Examiner Maury Audet on November 22, 2006, the Examiner agreed to rejoin Groups I and II of the present restriction as Group I. Applicants hereby elect the invention of Group I, corresponding to claims 1-19, 27, 28, 32-38, and 45. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

In response to the Election of Species, Applicants hereby elect the following species of the compound of Formula (I):



Applicants believe that the following claims are readable on this election: claims 1-19, 27, and 28.

Should the examiner have any questions with regard to the foregoing, the examiner should contact the undersigned at the examiner's convenience at 908-654-5000. In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: December 13, 2006

Respectfully submitted,

By 

Michael H. Teschner  
Registration No.: 32,862  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant